

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

THIS DOCUMENT RELATES TO:

The cases listed in Exhibit A to the Ascension Parties' Global Motion to Dismiss

MDL No. 2419
Dkt. No 1:13-md-2419 (RWZ)

MOTION REQUESTING FED. R. CIV. P 54(b) CERTIFICATION

Defendants Ascension Health and Ascension Health Alliance (collectively referred to as the “Ascension Parties”) respectfully request that the Court certify, pursuant to FED. R. CIV. P. 54(b), that the Court’s dismissal of vicarious liability claims against the Ascension Parties in its August 29, 2014 Order represents a final determination on those claims, finding no just reason for delay in rendering such final determination. The Court’s dismissal of vicarious liability claims applies to all cases brought by the Tennessee Plaintiffs against the Ascension Parties, as set forth in Exhibit A to the Ascension Parties’ Global Motion to Dismiss (Dkt. No. 895-1), and fully reincorporated herein as Exhibit A to the instant Motion.

Dated: November 3, 2014

ASCENSION HEALTH AND ASCENSION
HEALTH ALLIANCE

By their attorneys,

/s/ Sarah P. Kelly
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CERTIFICATE OF CONFERENCE

I, Sarah P. Kelly, hereby certify that I e-mailed counsel concerning the PSC's position on this Motion, but I did not receive a response.

/s/ Sarah P. Kelly
Sarah P. Kelly

REQUEST FOR ORAL ARGUMENT

Counsel for the Ascension Parties hereby requests a hearing to assist the Court in determining the issues raised by this Motion.

/s/ Sarah P. Kelly
Sarah P. Kelly

CERTIFICATE OF SERVICE

This certifies that a true and accurate copy of the foregoing was served on all parties of record by virtue of the Court's electronic filing system this 3rd day of November, 2014

/s/ Sarah P. Kelly
Sarah P. Kelly

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